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Paper No. 3-26-04  
THM

In re Application of  
Naomi, Noda et al.  
Serial No. 09/735,930  
Filed: December 14, 2000  
For: CATALYST BODY

DECISION  
ON  
PETITION

This is a decision on the petition filed October 29, 2003, requesting the withdrawal of the finality of the Office action mailed September 16, 2003. Given the circumstances outlined in the petition, the petition is considered a timely submission under 37 CFR 1.181.

**Issues:**

The Applicants assert that the rejection of September 16<sup>th</sup> was improperly made Final since the RCE submission include substantive changes to the claimed invention.

**Decision:**

Applicant's amendment and request for reconsideration filed January 9, 2004 was entered by the Examiner and considered. Therein, the Examiner agreed with the assertion of inappropriate finality and issued a non-final rejection.

The petition is **DISMISSED** as moot in view of the action by the examiner.

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